



# PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

Agency: Department of Ecology

A.O. # 05-19

**Subject of possible rule making:**

Controls for New Sources of Toxic Air Pollutants, WAC chapter 173-460.  
Concomitant adjustments to WAC section 173-400-110.

Statutes authorizing the agency to adopt rules on this subject: RCW 70.94.152 and RCW 70.94.331.

**Reasons why rules on this subject may be needed and what they might accomplish:** ASILs (ambient source impact levels) are a component of a human-health-based risk screening tool to determine the required level of review. They have not been updated for over ten years. This rulemaking is to update the TAP list and recalculate ASILs to reflect current scientific information. RCW 70.94.152 provides that no person is required to submit a NOC for a new source that Ecology deemed to have a *de minimis* impact on air quality, and that *de minimis* means "trivial levels of emissions that do not pose a threat to human health or the environment." In 1998, amendments to the WAC 173-400-110 included *de minimis*, thus paving the way for TAPs *de minimis*. Regulatory discontinuity in the applicability of WAC 173-400-110 and WAC 173-460 causes some confusion, inconsistency, and delay in processing permits. Applicability should be harmonized between the two chapters. Consolidate TAP tables into a single table with more columns to provide for each substance an ASIL, SQER (small quantity emission rate), *de minimis* value, etc. The rule writer is to evaluate the gBACT section of the rule to drop out-of-date control technology requirements.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** NA

**Process for developing new rule (check all that apply):**

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) Ecology plans on using new procedures as encouraged by RCW 35.05.310. Three spheres of effort are planned for obtaining input into the content of the rule: scientific, regulatory "core", and stakeholders. The text of the rule should not be proposed in the CR-102 until interested parties have had opportunity to offer recommendations, opinion, information, and other valuable contributions.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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1/17/06

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